

Bills and Histories Notes

- Virginia

Bag:

Proposed In 2008, HB1534 and SB 711 <http://lis.virginia.gov/cgi-bin/legp604.exe?081+ful+HB1534> <http://lis.virginia.gov/cgi-bin/legp604.exe?081+ful+SB711> allowed localities to prohibit a retailer from providing a plastic bag unless it was one specifically made for multiple reuse. This was continued into 2009, and it was left in a committee without passing.

In 2009 Sb 971 was introduced to require certain stores to have on-premises recycling facilities, it was stricken by Agriculture, Conservation and Natural Resources. <http://lis.virginia.gov/cgi-bin/legp604.exe?091+ful+SB971>

Also in 2009, HB 2010 Imposed a \$.05 on bags used by purchasers. (Not allowing a locality, but instead at the state level). It was left in committee. <http://lis.virginia.gov/cgi-bin/legp604.exe?091+ful+HB2010>

In 2010, HB 1115 was proposed and looked similar to the 2009 \$.05 fee except it expanded exceptions and allowed retailers to keep \$.01 to \$.02 of the fee <http://lis.virginia.gov/cgi-bin/legp604.exe?101+ful+HB1115>. It was left in committee.

In 2011, HB2341 a similar bill was introduced and did not leave committee that increased the tax to \$.20 with retailer retaining raised to from \$.05-7 <http://lis.virginia.gov/cgi-bin/legp604.exe?111+ful+HB2341>

The statewide tax would reappear in 2013 <http://lis.virginia.gov/cgi-bin/legp604.exe?131+ful+HB1381> under HB1381, reduced back to the \$.05 level. A similar bill would appear in 2014, <http://lis.virginia.gov/cgi-bin/legp604.exe?141+sum+HB117>, but be left in finance

In 2014, Virginia shifted back and began testing the solution of allowing localities to impose a tax with SB320 <http://lis.virginia.gov/cgi-bin/legp604.exe?141+ful+SB320>. This was limited to one specific district It did not make it out of committee.

In 2018, a bill that allowed any locality to impose this tax was proposed, HB981 <https://lis.virginia.gov/cgi-bin/legp604.exe?181+ful+HB981>. It was left in committee. A very similar version of this bill would appear each year and not resolve every year and currently one was left to time out in committee in 2019 in HB1669 <http://lis.virginia.gov/cgi-bin/legp604.exe?191+ful+HB1669>

A very similar 2019 bill, SB1070, was rolled into a Bag tax bill specific to retailers in the Chesapeake Bay Watershed, and it failed to pass committee. <http://lis.virginia.gov/cgi-bin/legp604.exe?191+ful+SB1116>

This Chesapeake Bay watershed specific bill was first proposed in 2015, <http://lis.virginia.gov/cgi-bin/legp604.exe?151+ful+SB886>, and appeared again every year until the 2019 version.

The option to grant localities to prohibit retailers from providing bags would appear again in 2015, where it was defeated <http://lis.virginia.gov/cgi-bin/legp604.exe?151+ful+SB880>. And in 2018, where it was deferred to 2019 <http://lis.virginia.gov/cgi-bin/legp604.exe?181+ful+SB193>

Bottle:

Early, Fairfax and Loudon Counties had bottle deposit programs in place, but they were overturned in court on Dillon Rule grounds https://www.washingtonpost.com/archive/politics/1980/08/29/virginia-high-court-overturms-county-laws-on-bottle-deposits/0634a40f-9a55-4f20-bafe-255572178ab2/?noredirect=on&utm_term=.1abd905b64a0

A 1991 article details the defeat of that year's bottle proposal, as well as quotes from opposition, and a statement that a bill has appeared almost every year from that point for 15 years. It also states the initial effort started in 1973 https://www.washingtonpost.com/archive/local/1991/02/02/va-senate-cans-bottle-bill-again/429c3c8a-0067-4586-a9b9-9e9ec7b0589b/?utm_term=.4cda9216c4dc

Statewide-

A 1999 proposal provided that every container have a \$.10 deposit and would have dealers or redemption centers pay redeemers the deposit plus \$.02. <http://lis.virginia.gov/cgi-bin/legp604.exe?991+ful+SB1335>. It was left in committee

It would appear again in 2000, <http://lis.virginia.gov/cgi-bin/legp604.exe?001+ful+HB659> and left in committee

A bottle effort was reintroduced in 2017 in HB1759 <http://lis.virginia.gov/cgi-bin/legp604.exe?171+ful+HB1759>, with the deposit lowered to \$.05 but an otherwise similar scheme. It was left in committee.

Straw/Single Use Plastic:

HB 2095, proposed in 2019, would allow localities to prohibit single use plastics including straws, it would also authorize localities to impose a \$.05 plastic bag tax. This is the first bill addressing authorizing the ban of single use plastics. It was left in committee in February 2019.

<http://lis.virginia.gov/cgi-bin/legp604.exe?191+ful+HB2095+pdf>

Misc.:

Virginia Imposes a \$10 tax, the litter tax, on certain businesses that produce or distribute a variety of items, paid yearly per location. The tax is increased to \$25 if the business sells groceries or beverages.

<https://law.lis.virginia.gov/vacode/title58.1/chapter17/section58.1-1707/>

<https://www.tax.virginia.gov/litter-tax>

Since 1987, 7 years after the State Supreme Court struck local bottle ordinances, Virginia has express preemption of locality limits on food and beverage container limits/deposits -

<https://law.lis.virginia.gov/vacode/title10.1/chapter14/section10.1-1425/>

<https://law.lis.virginia.gov/vacode/title29.1/chapter5/section29.1-556.1/> - 49 balloon per hour release limit

- Maryland

Bags:

Maryland allows localities to impose their own bag laws, Passed bill allowing Howard county to impose fees http://mgaleg.maryland.gov/2019RS/Chapters_noln/CH_725_hb1166t.pdf

in 2010 Maryland tried a statewide fee on customers for retailers providing bags <http://mgaleg.maryland.gov/webmga/frmMain.aspx?tab=subject3&ys=2010rs/billfile/sb0462.htm>, it did not make it out of committee

in 2013, a similar bill was proposed and did not make it out of committee, SB0576. It was called The Community Cleanup and Greening Act <http://mgaleg.maryland.gov/2013RS/bills/sb/sb0576f.pdf>

the Community Cleanup and Greening Act would return in 2014, identical and not advancing <http://mgaleg.maryland.gov/2014RS/bills/sb/sb0707f.pdf>

in 2016, it was reintroduced as HB0031, it was modified to prohibit retailers from providing plastic bags, and impose a \$.10 fine on paper bags provided, and allowed stores to credit \$.05 for each reusable bag the customer provides. <http://mgaleg.maryland.gov/2016RS/bills/hb/hb0031f.pdf>
<http://mgaleg.maryland.gov/webmga/frmMain.aspx?pid=billpage&stab=01&id=hb0031&tab=subject3&ys=2016rs>. It was not passed, following an unfavorable committee report.

Maryland has seemed to abandon statewide bag legislature since 2016, instead focusing on allowing localities.

Bottle:

First effort, 2007 \$.05 deposit, HB 839, died in committee

<http://mgaleg.maryland.gov/webmga/frmMain.aspx?tab=subject3&ys=2007rs/billfile/hb0839.htm>

<http://mgaleg.maryland.gov/2007RS/bills/hb/hb0839f.pdf>

Instead of direct deposit legislation, from 2008-2011 Maryland attempted to create a task force to study Return deposits on beverage containers and report findings of feasibility for Maryland. None made it past committee.

2008: <http://mgaleg.maryland.gov/2008rs/bills/hb/hb0509f.pdf>

2009: <http://mgaleg.maryland.gov/2009rs/bills/hb/hb0248t.pdf>

2010 and 2011 are identical: <http://mgaleg.maryland.gov/2011rs/bills/hb/hb0640f.pdf>

In 2013 they then again tried a statewide \$.05 deposit/return on SB0641. That bill died
<http://mgaleg.maryland.gov/2013RS/bills/sb/sb0641f.pdf>

That .05 return bill would appear again in 2014, and 2015, failing to pass either time. The 2015 HB982:
<http://mgaleg.maryland.gov/2015RS/bills/hb/hb0982f.pdf>

in 2013, Maryland also proposed a bill that would require bars and restaurants to collect and recycle their bottles, HB0982. <http://mgaleg.maryland.gov/2015RS/bills/hb/hb0982f.pdf> This did not advance due to an unfavorable report.

Single Use expanded foam:

SB0285 prohibits anyone from selling a polystyrene (foam) food product. First proposed in 2019 and passed that year. SB0285

<http://mgaleg.maryland.gov/2019RS/bills/sb/sb0285e.pdf>

<http://mgaleg.maryland.gov/webmga/frmMain.aspx?pid=billpage&stab=02&id=sb0285&tab=subject3&ys=2019RS>

Straws:

<http://mgaleg.maryland.gov/2019RS/bills/hb/hb0134f.pdf>

<http://mgaleg.maryland.gov/webmga/frmMain.aspx?pid=billpage&stab=01&id=hb0134&tab=subject3&ys=2019RS> proposed Straws upon request bill was withdrawn in 2019

Misc.:

Total maximum daily load of Trash for the Anacostia River Watershed

https://mde.state.md.us/programs/Water/TMDL/ApprovedFinalTMDLs/Documents/Anacostia_River/Trash/Anacostia_Trash_TMDL_081010_final.pdf

- New York

Bag:

New York's bag ban passed in March 2019. It bans Plastic, allows cities and counties to opt in to a \$.05 fee to be charged on paper. It is part of a large budget bill that passed, SB1508 that contains many other things.

https://nyassembly.gov/leg/?default_fld=&leg_video=&bn=S01508&term=2019&Summary=Y&Actions=Y

exceptions: uncooked meat, fish or poultry; bulk items; sliced or prepared foods; a newspaper for delivery; or prescription drugs.

Here is a similar statewide bill, introduced in 2017 A5107, that didn't make it out of committee: <https://www.nysenate.gov/legislation/bills/2011/a5107/amendment/original>. It authorized localities of 1M+ population to issue a plastic bag fee and allowed retailers to provide reusable totes and charge customers a deposit for them.

The earliest example of New York bag law I could find was https://nyassembly.gov/leg/?default_fld=&leg_video=&bn=A05107&term=2011&Summary=Y&Actions=Y&Text=Y A05107, Which

Bottle:

New York's bottle bill was passed in 1982, and their legislative website does not go back that far, however, facts on it can be found at <https://www.dec.ny.gov/chemical/57687.html>

And this table from bottlebill.org

Name	New York State Returnable Container Law
Purpose	Reduce litter, ease burden on solid waste facilities and encourage recycling activity
Enacted	6/15/1982
Date Implemented	7/1/1983
Beverages Covered	Carbonated Soft Drinks, Soda Water, Beer and Other Malt Beverages, Wine Products and Water which does not contain sugar (including flavored or nutritionally enhanced water)
Containers Covered	An individual, separate, sealed glass, metal, aluminum, steel or plastic bottle, can or jar less than 1 gallon or 3.78 liters.
Amount of Deposit	5¢
Reclamation System	Retail stores and redemption centers
Handling Fee	3.5¢
Unredeemed Deposits	80% to the State; dedicates \$15 million to the state Environmental Protection Fund with the remaining unredeemed going to the state General Fund. 20% retained by deposit initiator (distributor)
Redemption Rate	2017 Overall: 65% [1] 2016 Overall: 66% 2015 Overall: 65% 2014 Overall: 64% 2013 Overall: 62%

Straw:

Locality – New York City proposed a bill to ban single use straws in the city in 2018, it was laid over in committee in June 2018 and is inactive.

<https://legistar.council.nyc.gov/LegislationDetail.aspx?ID=3509897&GUID=6CF1706B-A393-407E-B0A6-78D253222450&Options=&Search=>

A statewide attempt of straws upon request did not make it out of committee in 2018

<https://legislation.nysenate.gov/pdf/bills/2017/S8726B>

Single use:

Locality- New York City Proposal to ban certain single use plastics, to be determined by a commission. Referred to a committee in Feb. 2019

<https://legistar.council.nyc.gov/LegislationDetail.aspx?ID=3860328&GUID=F1D630AA-F5DC-4CB3-A154-AE3297FF7476&Options=ID%7cText%7c&Search=plastics>

Misc.:

- New Jersey

Bag:

In 2008 https://www.njleg.state.nj.us/2010/Bills/A2500/2112_I1.HTM, and 2010 https://www.njleg.state.nj.us/2010/Bills/A2500/2121_I1.PDF bill that assessed \$0.15 fee per bag to the customer were introduced but never made it out of committee.

In 2012, a new bill with a lower \$.10 fee was introduced

https://www.njleg.state.nj.us/2012/Bills/A3500/3261_I1.PDF that didn't make it out of committee

In 2011, bill A2112 was introduced to require all retailers to offer a bag recycling system in their stores and then send collected bags to be recycled IT never made it out of committee

https://www.njleg.state.nj.us/2010/Bills/A2500/2112_I1.HTM

the bill would return in 2012 and 2014, but again, didn't make it out of committee

https://www.njleg.state.nj.us/2012/Bills/A1500/1193_I1.PDF 2012

https://custom.statenet.com/public/resources.cgi?id=ID:bill:NJ2014000A1345&ciq=ncsl29&client_md=5399ad3e72954607a39ec00291cd360b&mode=current_text 2014

In February 2018, New Jersey introduced A3267, here is the bill:

https://www.njleg.state.nj.us/2018/Bills/A3500/3267_R1.PDF It would impose a \$.05 fee on customers per single use bag provided. \$.04 of the fee would go towards a School and community lead abatement fund.

It Passed both houses June 2018, vetoed by governor August 2018

https://www.njleg.state.nj.us/2018/Bills/A3500/3267_V1.PDF Governor vetoed a proposed \$.05 fee, says it does not go far enough to address the issue, Wants a more robust and comprehensive program.

Localities have implemented successful bag laws in new jersey:

http://www.baglaws.com/legislation.php?state=New_Jersey

Bottle:

In 2008-2009 bill A121 "The Smart Container Act" Was introduced, it imposed a \$.10 deposit on beverage containers under 24oz and a \$.20 deposit on any beverage container larger, except milk, medicine, or alcohol. https://www.njleg.state.nj.us/2008/Bills/A0500/121_I1.PDF. Did not make it out of committee

It would return in 2010-2011, also did not make it out of committee

https://www.njleg.state.nj.us/2010/Bills/A0500/131_I1.PDF

Returns in 2016 https://www.njleg.state.nj.us/2016/Bills/A2500/2281_I1.HTM, Made it out of one committee, sent to another where it did not advance. <https://www.njleg.state.nj.us/bills/BillView.asp>

As of currently, the Smart Container Act was last introduced as A1710 in 2018, and has no updates since being introduced to a solid waste committee in January 2018

https://www.njleg.state.nj.us/2018/Bills/A2000/1710_I1.PDF, the deposit scheme of \$.10 and \$.20 cents is the same as earlier versions

Single use plastics:

In 2016 a bill was introduced to Ban sale of polystyrene food containers by public schools: A4013 Aca (1R) https://www.njleg.state.nj.us/2016/Bills/A4500/4013_I1.PDF

It was amended in 2017 to tweak the phrasing of public institutions of higher education and referred to a committee, that was the last update given. Then in 2018:

2/1/2018 Introduced bill that Prohibits sale of expanded polystyrene food containers by public schools and public institutions of higher education

https://www.njleg.state.nj.us/2018/Bills/S1500/1486_I1.PDF

Passed senate in June 2018, Referred to solid waste committee, No updates since.

A general ban on sale of expanded polystyrene was proposed in May 2018 in A4105

https://www.njleg.state.nj.us/2018/Bills/S3000/2603_I1.PDF, this was sent to a committee and has been inactive since

Straw:

Pending Straw bill https://www.njleg.state.nj.us/2018/Bills/A4500/4394_I1.PDF A4394, would ban straws from being offered except upon customer request

Misc.:

2018 bill “urging” federal government action proposed
https://www.njleg.state.nj.us/2018/Bills/SCR/136_I1.PDF

- DC

Bag:

The DC bag bill is a bag fee, charge a \$.05 per bag fee that goes to a river preservation fund. Packaged into a river clean up act, applies to both paper and plastic. Fund also provides re-usable bags to low income. ~2m a year bag income. 2010. [detailed instructions](#) for remitting monthly bag fees, and documentation

https://doee.dc.gov/sites/default/files/dc/sites/ddoe/publication/attachments/Anacostia%20Clean%20Up%20and%20Protection%20Act%20of%202009_3.20.15.pdf

Straws, Single Use, Bottles comprehensive law:

<https://doee.dc.gov/foodserviceware>

DC.gov page the comprehensively describes the ban on certain food service products including straws. It states: “Regulated entities must only use food service ware that is considered compostable or recyclable to serve consumers.”

“Which items are banned and subject to enforcement?”

Foil-lined deli paper wraps

Aluminum-coated paper to-go containers

Paper bags with plastic windows

Polystyrene (foam) containers including cups, bowls, and clamshells

Single-use plastic straws and stirrers”

- Delaware

Bag:

In 2010, Delaware passed HB 15 which required retailers of a certain size to provide an at store recycling program for plastic bags. Retailers were also required to make re-usable bags available for sale.

<http://legis.delaware.gov/BillDetail?legislationId=19538>

In 2019 with HB 130, this bill was amended to impose a statewide ban starting in 2021. This bill also included some bag exceptions. It has passed both houses and is pending governor action.

<https://www.wastedive.com/news/delaware-governor-expected-to-sign-latest-plastic-bag-ban/557022/>

<http://legis.delaware.gov/BillDetail?legislationId=47388>

Bottle:

Delaware used to have a \$.05 deposit on bottles that was in place in the early 1980's. That bill was repealed in 2010 with SB 234 and substituted with a \$.04 tax per container to the retailer that is used to fund implementation of mandatory recycling programs which the amendment also calls for establishing.

<http://legis.delaware.gov/BillDetail?legislationId=19844>

<http://www.bottlebill.org/index.php/past-campaigns/delaware-past-campaigns>

<http://www.bottlebill.org/news/articles/2010/DE-5-17-DEReplacesBottleDeposits.htm>

Straw:

In 2019, Delaware passed HCR 17 that resolution recognizes the Delaware Restaurant Association for environmental efforts on cutting straw use, and requires that the Delaware Restaurant Association track the progress of its voluntary approach to reduce the use of plastic straws and provide a report to the General Assembly by May 1, 2020. The bill does not appear to require an actual reduction.

<http://legis.delaware.gov/BillDetail?legislationId=47265>

- Texas

Preemptive bans on product bans

As an example of a ban on bans, Texas Health and Safety Code Sec. 361.0961 prevents a local government from prohibiting or restricting the sale or use of a "container" or "package"

<https://texas.public.law/statutes/tex. health and safety code section 361.0961>

In 2018, in *City of Laredo v. Laredo Merchants Association*, their state supreme court interpreted this statute to mean that "containers" and "packages" also included plastic bags, therefore banning restrictions on those as well.

<http://www.txcourts.gov/media/1441865/160748.pdf>

<https://www.governing.com/topics/transportation-infrastructure/tns-plastic-bag-ban-texas-supreme-court.html>

- Maine

In 2019, Maine passed 2 separate bills banning products. LD 1532 (HP 1115) bans the use of single use carry out bags (paper or plastic). This will take effect in 2020. It also included important exceptions such as prescription bags.

<http://legislature.maine.gov/LawMakerWeb/summary.asp?ID=280073133>

<http://www.mainelegislature.org/legis/bills/getPDF.asp?paper=HP1115&item=4&snum=129>

LD 289 prohibited most places that serve food from processing, preparing, selling, or serving on single use food service containers made of polystyrene foam. This statewide ban will take effect in 2021

<http://legislature.maine.gov/LawMakerWeb/summary.asp?ID=280071044>

<http://www.mainelegislature.org/legis/bills/getPDF.asp?paper=HP0213&item=7&snum=129>

- California

https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201320140SB270 California's bag bill, passed both houses in 2014, then passed into law by referenda in 2016 election. Bans plastic and puts a \$.10 fee on paper.